



WESTFIELD-WASHINGTON

BOARD OF ZONING APPEALS

March 9, 2010

1003-VS-01

Exhibit 1

PETITION NUMBER:	1003-VS-01
SUBJECT SITE ADDRESS:	15545 Marietta Circle
APPELLANT:	Bob Poteet, Sunrooms of Indiana
REQUEST:	To reduce the minimum rear yard setback requirement from 30 feet to 24 feet in order to build a sunroom addition on the existing home (WC 16.04.030, E6)
CURRENT ZONING:	SF-3 (Cluster)
CURRENT LAND USE:	Single-Family Residential
APPROXIMATE ACREAGE:	0.16
EXHIBITS:	1. Staff Report 2. Aerial Location Map 3. Property Area Exhibit 4. Appellant's Application and Plans
STAFF REVIEWER:	Kevin M. Todd, AICP

PETITION HISTORY

This petition will receive a public hearing at the March 9, 2010 Board of Zoning Appeals meeting.

ANALYSIS

Rear yard setback.

The submitted application includes plans to construct a room addition/sunroom on the east side of an existing house (the "Project") in the Centennial subdivision. The Project would be approximately nine (9) feet deep by thirteen (13) feet wide, and it encroach the rear yard setback requirement of thirty (30) feet by approximately six (6) feet. A drainage and utility easement that is fifteen (15) feet in width is located on the subject property (the "Property") and runs along the rear property line. The Project would not encroach upon the drainage and utility easement. Granting the requested variance would result in a twenty (20) percent reduction of the established standard.

Syracuse Drive, a private street, abuts the Property to the east. Along the eastern edge of the area platted for Syracuse Drive, a row of trees has been planted. Townhomes abut the western side of Syracuse Drive (see Exhibit 3).

Minimum setbacks were likely established to create predictable, uniform development patterns and spacing between similar buildings within a subdivision. The rear of the Property (the "Rear Property Line"), which is the subject side of the property, does not abut lots for single-family detached homes. Rather, not considering the private street, the abutting land use to the Rear Property Line is attached single-family townhomes. The setback requirements for townhomes are typically different than those for detached single-family lots. Given the differing land use nearest to the Rear Property Line, it may not be as important to have a uniform rear setback line for properties along the eastern side of Marietta Circle.



PROCEDURAL

A Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code 36-7-4-918.5 only upon a determination in writing that:

STANDARDS FOR VARIANCE REQUEST

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

Finding: It is unlikely that approving the requested variance will be injurious to the public health, safety, morals, and general welfare of the community. The Project would not encroach upon the drainage and utility easement, so the flow of storm water in the area should not be adversely impacted as a result of approving the requested variance.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

Finding: It is unlikely that the use and value of adjacent property will be affected in an adverse manner. The neighboring land use to the east is different than the land use of the Property. Having a residential building addition located six (6) feet closer than prescribed may not have a negative impact on the neighboring townhome section (which is separated from the Property by a street and a landscaped area). Feedback from adjacent property owners should provide insight about the impact on adjacent properties.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property:

Finding: Strict adherence to the zoning ordinance would result in the inability to construct the Project. Adhering to the rear yard setback requirement would allow a room addition to extend an additional three (3) feet from the existing rear of the house. The Project would be approximately nine (9) feet deep, extending six (6) feet beyond the rear yard setback line.

RECOMMENDATIONS

Approve this request based on the findings of this report.

KMT